



**SCHWARTZAPFEL  
LAWYERS P.C.**  
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By September 6, 2023, the parties shall file a joint letter updating the Court on the status of mediation.

July 24, 2023

In light of the parties' ongoing efforts to resolve this matter, Plaintiff's motion for summary judgment is hereby denied without prejudice to refiling if a settlement is not consummated by the conclusion of mediation.

The Clerk of Court is directed to terminate ECF No. 37. SO ORDERED.

Jennifer H. Rearden  
Jennifer H. Rearden, U.S.D.J.  
Date: July 26, 2023

Re: Francis Temcheshen vs. Merse Brothers Inc., et al  
Docket No.: 21-CV-950 (JHR)

Honorable Justice Rearden:

The within correspondence is submitted by the attorneys for the Plaintiff and Defendants with regard to the Court's July 7, 2023 directive.

Plaintiff has submitted a request to have this case mediated with Kenneth Grundstein, Esq. of National Arbitration and Mediation (NAM) and executed all the appropriate documentation for same. The parties have been advised that Mr. Grundstein is currently booking in the end of October 2023, but there may be a few cancellation openings before then. The parties are actively working with NAM to lock in a firm date and will provide same to the Court once confirmed.

Thank you for your courtesy with regard to the above. Should you have any questions or concerns, please do not hesitate to contact the undersigned.

Respectfully Submitted,

**SCHWARTZAPFEL LAWYERS P.C.**

s/John F. Campbell, III  
John F. Campbell, III

**MARKS, O'NEILL, O'BRIEN,  
DOHERTY & KELLY, P.C.**

s/Christopher C. Caiazzo  
Christopher C. Caiazzo

## Main Office

600 Old Country Road, Suite 450 • Garden City, NY 11530  
P. 516.342.2200 F. 516.342.2400



**fightingforyou.com**

New York – Brooklyn – Bronx – Queens – Nassau – Suffolk – Westchester